**HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI**
**AND**
**HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY**

**Writ Petition No. 19270 of 2007**

**Between:**

A. Ram Mohan Raju

… Petitioner

**And**

Hyderabad Urban Development Authority,
Rep. by its Vice-Chairman, Hyderabad & another

… Respondents

**:: O R D E R ::**

Counsel for the petitioner : Shri V.V.N. Chary

**September 11, 2007**

**Per G.S. SINGHVI, CJ**

The petitioner, who is engaged in construction business, has prayed for restraining Hyderabad Urban Development Authority from auctioning the land demarcated as parks and public amenities.

A perusal of the record shows that in the pre-lunch session, the case was listed before the learned Single Judge, who passed the following order:

> "This writ petition is filed by way of public interest litigation. Hence, it would be appropriate that the matter be listed before appropriate Bench.
>
> Hence, the Registry is directed to get the matter listed before appropriate Bench, after obtaining necessary orders from the Hon'ble the Chief Justice."

Thereafter, the learned counsel made a request for listing of the case in the post-lunch session by pleading that there was urgency in it. His request was accepted and the registry was directed to list the case after lunch.

At the hearing, Shri V.V.N. Chary, learned counsel for the petitioner gave out that his client has not filed this petition by way of public interest litigation, but is seeking to protect his own interest. According to the learned counsel, if the petitioner participates in the auction proposed to be held by Hyderabad Urban Development Authority in the lay out for Madapur, and the same gets entangled in litigation, then he may not get refund of the earnest money deposit.

In our opinion, a pre-emptive petition like the one filed by the petitioner cannot be entertained for restraining a public authority from auctioning the land. If the petitioner participates in the auction and any of his legal or fundamental right is violated, then he can avail appropriate legal remedy. However, there is no justification to restrain the concerned authority from auctioning the land merely because the petitioner entertains some misconceived apprehension that the earnest money deposited by him may not be refunded.

With the above observation, the writ petition is dismissed leaving the petitioner free to participate in the auction, if any, to be held by Hyderabad Urban Development Authority and take chance of being successful bidder.

While dismissing the writ petition, we make it clear that by a separate order passed today in Writ Petition No. 19277 of 2007, the Court has restrained the respondents from auctioning the land adjacent to plot Nos. 15/1 and 15/2 in the lay out plans of HUDA Techno, Madhapur.

As a sequel to dismissal of the writ petition, W.P.M.P.No.24771 of

2007 filed by the petitioner for interim relief is also dismissed.

**G.S. SINGHVI, CJ**

**C.V. NAGARJUNA REDDY, J**

September 11, 2007
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